

EXHIBIT E

From: Bryan Tyson <btyson@taylorenglish.com>
Sent: Tuesday, July 23, 2019 9:18 PM
To: Holly Cole; Cross, David D.; Kimberly Anderson; Cc: Adam Sparks; Alexander Denton; Miriyala, Arvind S.; Brian Lake; Bruce Brown; Bryan Jacoutot; Carey Miller; Cary Icter; Chapple, Catherine L.; Cheryl Ringer; Conaway, Jenna B.; David Brody; Halsey Knapp, Jr.; Josh Belinfante; Kaye Burwell; Kim Bunch; Retha Meier; Manoso, Robert W.; Robert McGuire, III; Vincent Russo
Subject: FW: Dr. Shamos testimony
Attachments: Shamos No Waiver of Phone or Skype.pdf

- External Email -

Ms. Cole:

I was apparently left off of this email distribution list so I apologize for just now responding. Attached is the last email exchange we have on July 18 between counsel (the day before Dr. Shamos' video deposition) where counsel for State Defendants specifically indicated there was not a waiver of the Skype or phone options for Dr. Shamos to testify.

We will be happy to provide whatever else the Court needs after Plaintiffs file the Notice that has been requested.

Thanks,

Bryan



Bryan P. Tyson

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From: Vincent Russo <vrusso@robbinsfirm.com>
Sent: Tuesday, July 23, 2019 9:10 PM
To: Bryan Tyson <btyson@taylorenglish.com>
Subject: FW: Dr. Shamos testimony

From: John Powers [<mailto:jpowers@lawyerscommittee.org>]
Sent: Tuesday, July 23, 2019 7:34 PM
To: Holly Cole <Holly_Cole@gand.uscourts.gov>; Cross, David D. <DCross@mofo.com>; Kimberly Anderson <Kimberly.Anderson@robbinsfirm.com>
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Subject: RE: Dr. Shamos testimony

Ms. Cole –

Coalition Plaintiffs join in the Curling Plaintiffs' objection to presenting Dr. Shamos' testimony remotely and anticipate joining the Curling Plaintiffs' notice on the issue.

Thanks, John

John Powers
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Lawyers' Committee for Civil Rights Under Law
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From: Holly Cole <Holly_Cole@gand.uscourts.gov>
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Subject: RE: Dr. Shamos testimony

Counsel,

Judge Totenberg has not made a decision yet on whether to allow the testimony of Dr. Shamos via video/telephone on Friday. The purpose of my earlier email was: (1) to make the inquiry and (2) advise on the procedures to make the necessary arrangements in the event of remote testimony.

Curling Plaintiffs should file a short Notice regarding the objection on the docket and submit documentation of written agreement between counsel for the Court's review. If Judge Totenberg requires more on the issue, I will let you know.

Regards,

Holly Cole
Law Clerk
Chambers of the Honorable Amy Totenberg
United States District Court
Northern District of Georgia
404-215-1404
Holly_Cole@gand.uscourts.gov

From: Cross, David D. <DCross@mofo.com>
Sent: Tuesday, July 23, 2019 2:56 PM
To: Holly Cole <Holly_Cole@gand.uscourts.gov>; Kimberly Anderson <Kimberly.Anderson@robbinsfirm.com>
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Subject: RE: Dr. Shamos testimony

Ms. Cole -

Curling Plaintiffs continue to object to presenting Dr. Shamos' testimony remotely. State Defendants insisted on preserving his hearing testimony by deposition. We did that last Friday, at the expense and inconvenience of an extra trip to Atlanta. The parties are free to submit any or all of that to the Court, as intended. Anything else would depart from the agreement, which Ms. Anderson herself confirmed in email, and highly prejudice Plaintiffs given the importance of his role and testimony and the difficulties of remote examination, such as using exhibits. We'd appreciate an opportunity to be heard by the Court on this important issue.

Thanks.
David

From: Holly Cole <Holly_Cole@gand.uscourts.gov>
Date: Tuesday, Jul 23, 2019, 12:18 PM
To: Kimberly Anderson <Kimberly.Anderson@robbinsfirm.com>
Cc: Adam Sparks <sparks@khlawfirm.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; Miriyala, Arvind S. <AMiriya@mofo.com>; Brian Lake <Brian.Lake@robbinsfirm.com>; Bruce Brown <bbrown@brucepbrownlaw.com>; Bryan Jacoutot <bjacoutot@taylorenglish.com>; Carey Miller <carey.miller@robbinsfirm.com>; Cary Icter <cichter@ichterdavis.com>; Chapple, Catherine L. <CChapple@mofo.com>; Cheryl Ringer <Cheryl.ringer@fultoncountyga.gov>; Conaway, Jenna B. <JConaway@mofo.com>; David Brody <dbrody@lawyerscommittee.org>; Halsey Knapp, Jr. <hknapp@khlawfirm.com>; John Powers <jpowers@lawyerscommittee.org>; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Kaye Burwell <Kaye.burwell@fultoncountyga.gov>; Kim Bunch <Kim.Bunch@robbinsfirm.com>; Retha Meier <Retha.Meier@robbinsfirm.com>; Manoso, Robert W. <RManoso@mofo.com>; Robert McGuire, III <ram@ramlaw.com>; Vincent Russo <vrusso@robbinsfirm.com>

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Subject: RE: Dr. Shamos testimony

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Please contact Harry Martin and he will coordinate with you and our IT department.

Holly Cole
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United States District Court
Northern District of Georgia
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From: Kimberly Anderson <Kimberly.Anderson@robbinsfirm.com>
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Subject: RE: Dr. Shamos testimony

Ms. Cole:

While the parties conducted the deposition of Dr. Shamos last Friday, State Defendants intend to have him available to testify on Friday by video or telephone conference. We are confirming Dr. Shamos's availability for the 11:30 am start time, and will work around the Court's schedule to make it happen.

Please let us know what we need to do (or who we need to contact) to coordinate with the Court's IT Department to make sure the video conference will work.

We appreciate the accommodation-

Kimberly

Kimberly K. Anderson | 404.856.3265 | ROBBINS

From: Holly Cole [mailto:Holly_Cole@gand.uscourts.gov]
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Subject: Dr. Shamos testimony

Counsel,

What is the plan for presenting the testimony of Dr. Shamos in conjunction with the preliminary injunction hearing? Are the State Defendants seeking to present his testimony on Friday via video or telephone? If so, you must advise me immediately as the Court staff would need to make arrangements with the IT department to ensure the courtroom is set up with video/telephone feed. Also, the State Defendants indicated Dr. Shamos is available in the morning only. While the Court has reserved Friday for overflow, the Court has another hearing at 10:00 AM on Friday morning that has been on the calendar since January. Therefore, it is not likely the Court will resume the preliminary injunction hearing on Friday before 11:30 AM.

Regards,

Holly Cole
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Chambers of the Honorable Amy Totenberg
United States District Court
Northern District of Georgia
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